

PFE/JAB: Aug. 2024
GJ #15

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA v. DEARIS TYRELL WHITTAKER, Defendant.)))))))	Case No. 2:24-CR-00240-AMM-JHE (SUPERSEDING)
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INDICTMENT

COUNT ONE:
Possession of a Machinegun
18 U.S.C. §§ 922(o)(1) and 924(a)(2)

The Grand Jury charges that:

On or about the 16th day of May 2023, in Jefferson County, within the Northern District of Alabama, the Defendant,

DEARIS TYRELL WHITTAKER,

did knowingly possess a machinegun, that is, a **Glock 9-millimeter pistol** that contains a machinegun conversion device that enables the pistol to shoot automatically more than one shot, without manual reloading, by a single function of the trigger, in violation of Title 18, United States Code, Sections 922(o)(1) and 924(a)(2).

COUNT TWO:

Possession of a Controlled Substance with the Intent to Distribute
21 U.S.C. § 841(a)(1) and (b)(1)(D)

The Grand Jury charges that:

On or about the 16th day of May 2023, in Jefferson County, within the Northern District of Alabama, the Defendant,

DEARIS TYRELL WHITTAKER,

did knowingly and intentionally possess with the intent to distribute a controlled substance, such offense involving less than 50 kilograms of marijuana, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(D).

COUNT THREE:

Used and Carried a Firearm During a Drug Trafficking Crime
18 U.S.C. § 924(c)(1)(A) and (c)(1)(B)

The Grand Jury charges that:

On or about the 16th day of May 2023, in Jefferson County, within the Northern District of Alabama, the Defendant,

DEARIS TYRELL WHITTAKER,

did use and carry a firearm, that is, a **Palmetto State 5.56 NATO caliber firearm**, during and in relation to a drug trafficking crime, and did use and carry a firearm, that is, a **Glock 9-millimeter pistol**, which is a machinegun that contains a machinegun conversion device that enables the pistol to shoot automatically more

than one shot, without manual reloading, by a single function of the trigger, during and in relation to a drug trafficking crime, for which he may be prosecuted in a court of the United States, that is, possession with the intent to distribute marijuana as charged in Count Two of this Indictment, in violation of Title 18, United States Code, Section 924(c)(1)(A) and (c)(1)(B).

COUNT FOUR:
Possession of a Machinegun
18 U.S.C. §§ 922(o)(1) and 924(a)(2)

The Grand Jury charges that:

On or about the 25th day of May 2024, in Jefferson County, within the Northern District of Alabama, the Defendant,

DEARIS TYRELL WHITTAKER,

did knowingly possess a machinegun, that is, a **Glock 9-millimeter pistol** that contains a machinegun conversion device that enables the pistol to shoot automatically more than one shot, without manual reloading, with a single function of the trigger, in violation of Title 18, United States Code, Sections 922(o)(1) and 924(a)(2).

NOTICE OF FORFEITURE
18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c)

1. The allegations contained in Counts One, Three and Four of this

Superseding Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

2. Upon conviction of the offenses charged in Counts One, Three and Four of this Superseding Indictment for violations of 18 U.S.C. § 922(o) and § 924(c)(1)(A), the Defendant shall forfeit to the United States of America, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), all firearms and ammunition involved in or used in the commission of the offense, including, but not limited to, a **Glock 9-millimeter pistol, serial number BBKW255, a Palmetto State 5.56 NATO caliber firearm, serial number SCD761547, and a Glock 9-millimeter pistol, serial number BTWB637, and any associated magazines and ammunition.**

A TRUE BILL

/s/ electronic signature

FOREPERSON OF THE GRAND JURY

PRIM F. ESCALONA
United States Attorney

/s/ electronic signature

ALAN BATY
Assistant United States Attorney